



## **MILTON KEYNES COUNCIL**

### **Town and Country Planning Act 1990 (Section 78)**

**APPEAL** by Gladman Developments Ltd against the refusal of application (LPA reference) 17/00165/OUT for outline planning application for the erection of up to 95 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Olney Road with all matters reserved except for means of access.

**SITE:** Land off Olney Road, Lavendon

### **STATEMENT OF CASE OF THE LOCAL PLANNING AUTHORITY**

**Local Planning Authority Reference:** 17/00165/OUT

**Planning Inspectorate Reference:** APP/Y0435/W/17/3182048

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## **1. The Appeal Site and Its Surroundings**

- 1.1 The Site measures 8.24 hectares and is located directly to the south of Olney Road and immediately to the east of the existing dwellings on Jacks Close. It is located approximately 400m from the centre of Lavendon.
- 1.2 The site is within the open countryside as defined in the Local Plan. The area outlined in blue on the location plans is within an area which is liable to flooding (flood zones 2 and 3). The site outlined in red is within flood zone 1.
- 1.3 The site abuts the Conservation Area to the north (east of Olney Road).
- 1.4 A public footpath (number FP 011) crosses the Site in a north to south direction adjacent to the western side of the central hedgerow. It provides a link from Olney Road to the B565 to the south.
- 1.5 The site is within a Ground Water Vulnerability Zone (Major), and within an Area of Attractive Landscape. The land has an Agricultural Land Classification of Grade 2.
- 1.6 It should be mentioned that the description of the site is a reference to a previous application on the site for Stables And Pony Paddocks which was subsequently withdrawn. The case officer can confirm that the land is used for grazing, is open and free of buildings. It is undeveloped land. The application site description was intended for ease of reference to consultees and the wider public which have previously shown an interest in the site.
- 1.7 An agreed Site and Surroundings will be set out in the Statement of Common Ground to follow.

## **2. Planning History**

- 2.1 16/03273/FUL - Proposed use of the land for equestrian purposes, new stable building and associated widened vehicular access, hardstanding and boundary treatment (amended plans and description of development). Withdrawn 22<sup>nd</sup> May 2017.

### **3. The Proposed Development**

3.1 Outline planning permission is sought for the erection of up to 95 residential dwellings comprising two, three, four, and five bedroom properties. All matters are reserved with the exception of access.

3.2 The proposed access would be via Olney Road to the west of the site.

3.3 The application proposes to deliver 29 (30%) Affordable Housing units. The proposed Affordable Housing comprises a house size mix of 2bed and 3bed properties.

#### **4. The Council's Decision and Reasons for Refusal**

4.1 Application Ref 17/00165/OUT was refused planning permission under delegated powers on 14<sup>th</sup> July 2017. A copy of the original Notice is included as Annex A to this Statement of Case.

4.2 The reasons for refusal are as follows:

##### *Refusal Reason 1*

*'Saved Policy S10 of the Milton Keynes Local Plan 2001-2011 (Adopted 2005) states that planning permission will only be granted for development in the open countryside where it is essential for agriculture, forestry, countryside recreation and other development which is wholly appropriate to a rural area and cannot be located within a settlement. In addition, Policies CS1 and CS9 of the Milton Keynes Core Strategy (Adopted 2013) seek to focus development in the rural area within the development boundaries of the main and most sustainable towns or key settlements. The application site lies outside the settlement boundary of Lavendon and falls within land designated as 'Open Countryside' and an Area of Attractive Landscape. Furthermore, given the location of the development it is considered that the proposal would represent an intrusive form of development in the open countryside, having an urbanising effect and detracting from the open, rural character of the locality and wider surrounding countryside, contrary to the environmental aims and objectives of the NPPF. It is not considered that the benefits arising from the development would outweigh the harm that would be caused. The proposal is therefore contrary to Saved Policies S10 and S11 of the Milton Keynes Local Plan 2001-2011 (Adopted 2005), Policies CS1 and CS9 of the Milton Keynes Core Strategy (Adopted 2013) and the core planning principles in Paragraph 17 of the National Planning Policy Framework (2012) which recognise the intrinsic character and beauty of the countryside.'*

##### *Refusal Reason 2*

*In the absence of necessary planning obligations being secured by a s106 agreement, the applicant has failed to demonstrate that the proposed development would not lead to a burden on or have an adverse impact on existing local social and sustainable infrastructure, education and leisure facilities. The proposal is therefore contrary to the guidance within Supplementary Planning Documents (SPDs) for Affordable Housing SPD (2013), Education Facilities SPG (2004), Leisure Recreation and Sports Facilities SPG (2005), Social Infrastructure SPD (2005), and Sustainable Construction SPD (2007) which support the Milton Keynes Core Strategy Policy CS21, Policy P04 of the Milton Keynes Local Plan 2005, and the aims of the National Planning Policy Framework (NPPF).*

## **5. National Planning Policy and Guidance**

- 5.1 Reference will be made to the National Planning Policy Framework (NPPF March 2012). The conformity of the relevant policies in the Milton Keynes Local Plan will be explained against Paragraph 215 of the NPPF.
- 5.2 Paragraphs 6, 7, 8, 10-16, 17, 47, 48, 49, 69, 70, 96, 100, 103, 109, 114, 118, 125, 150, 152, 154, 155, 156, 157, 165, 173, 187, 196, 197 and 203-206 of National Planning Policy Framework 2012 are considered to be particularly material to the assessment of this appeal.
- 5.3 Reference will also be made to material parts of the Planning Practice Guidance March 2014.

## 6. The Development Plan

6.1 The Council's adopted development plan comprises the following documents. (Relevant policies for the assessment of this appeal contained within the individual document are indicated under the relevant headings):

Milton Keynes Core Strategy (Adopted July 2013)

- Policies CSA, CS1, CS2, CS9, CS10, CS11, CS12, CS13, CS14, CS17, CS18, CS19 and CS21

Milton Keynes Local Plan 2001 - 2011 (Adopted December 2005)  
(‘Saved’ Policies December 2008)

- Policies S10, S11, S12, D1, D2A, D2, D4, KS3, HE1-HE6, H4-H9, NE1, NE2, NE3, T10, T3, T5, T9, T10, T11, T15, L2, 3 and PO4

6.2 Other non-statutory planning policy documents relevant to assessing the appeal proposals also form part of the Council's case. The following documents provide the principal sources:

- Affordable Housing SPD (2013)
- New Residential Development Design Guide SPD (2012)
- Planning Obligations for Education Facilities SPG (2004)
- Planning Obligations for Leisure, Recreation and Sports Facilities SPG (2004)
- Social Infrastructure Planning Obligations SPD (2005)
- Sustainable Construction SPD (2006)
- Parking Standards SPD (2016)

6.3 For the avoidance of doubt, the appeal site falls outside any designated Neighbourhood Plan area.

6.4 The Council will refer to any emerging development plan documents where details of development requirements, the spatial strategy for the authority, locations for growth or the approach to development management represent material considerations for assessing the appeal proposals. The weight given to such documents should follow the approach in the National Planning Policy Framework at Paragraph 216. These emerging documents comprise:

- Milton Keynes Site Allocations Plan (Submitted for Examination April 2017)
- Milton Keynes Plan:MK (Draft (Regulation 18) Consultation version March 2017)
- Planning Obligations SPD (Draft) Consultation until 27<sup>th</sup> October 2017.



## **7. Five Year Supply of Deliverable Housing Sites**

- 7.1 This Statement of Case is submitted on the basis that the Council confirms that it can demonstrate a Five Year Supply of deliverable land for housing. At 16 August 2017, the Council can now demonstrate a 5.16 Years' Supply of deliverable land for housing.
- 7.2 The appellant is aware of this change in position that arose during the consideration of the application, and the appellant's Statement of Case reserves the right to submit further information on this topic. The Council also reserves this right, should there be any further change in material circumstances prior to the Inquiry.
- 7.3 Presentation of the Five Year Supply position will be undertaken against the housing requirements of the adopted development plan, and will include an up-to-date assessment of the full objectively assessed housing need where relevant, including any altered figures arising from the national Objectively Assessed Need (OAN), should these be available prior to the Inquiry.
- 7.4 In particular, the Council's case will rely upon the most up-to-date monitoring information for housing completions available and for sites identified as deliverable and contributing to supply over the next five-year period. The base-date for assessing this information will be 1 April 2017. The Council will explain its approach towards addressing any past 'shortfall' against development plan requirements (using the 'Liverpool' method) and its ability to provide a 20% 'buffer' for choice and competition.
- 7.5 Evidence will present the assumptions for 'lead-in' times and 'build out rates' on relevant sites in accordance with the National Planning Policy Framework and Planning Practice Guidance. The Council will make clear those sites assessed as contributing towards supply in the next five-year period but which do not currently benefit from planning permission and assert the deliverability of these locations in accordance with Footnote 11 to Paragraph 47 of the NPPF.
- 7.6 The Council will refer to its own monitoring records and relevant secondary sources and research as necessary to present its case on the housing land supply issue. Relevant material may also include the findings of other Local Plan and S78 Planning Appeal Inspectors in relation to land supply matters as well as decisions recovered for determination by the Secretary of State, where relevant. The Council will further refer to judgments of the High Court and Court of Appeal relevant to the current assessment of Five Year Housing Land Supply where necessary.

## **8. The Council's Case**

8.1 The Council will expand upon its reasons for refusal of planning permission to demonstrate that the proposal is contrary to the cited policies of the adopted Milton Keynes Core Strategy (2013) and the 'saved' policies of the Milton Keynes Local Plan 2001 – 2011. The following issues provide the principal focus for commentary and will be expanded upon by witnesses for the refusal reasons.

8.2 The Council will present its case against the appeal proposals based on its assessment and application of development plan policy, Paragraph 14 of the NPPF as a whole and other material considerations.

### *Refusal Reason 1*

8.3 The Council considers that planning issues relevant to refusal reason 1, include conflict with the spatial strategy set out in the development plan; impact on the character and appearance of the countryside; and the sustainability of the development in this regard.

8.4 The appeal proposals will be shown to represent an in-principle conflict with the development plan. The Council will emphasise the expectation that the development plan allocates and promotes sustainable patterns of development. The plan-led system relies upon the development plan to provide the context and starting point for decision-taking. Therefore, the plan-making 'limb' of NPPF Paragraph 14 is of importance when applying the presumption. If approving development that accords with the development plan, a decision-taker is not only acting in accordance with the statutory plan-led approach (i.e. Section 38(6) of the 2004 Act) but also recognising, under the terms of the NPPF, that the adopted plan itself has been found to promote and achieve sustainable development. Refusing planning permission if the planning application fails to comply with the up to date local development plan, the decision maker is likewise acting in accordance with the statutory plan-led system.

8.5 Refusal reason 1 must be read within the context of the spatial strategy of the development plan. Although within the administrative area of Milton Keynes, the appeal site is not within any development plan boundary identifying the policy designation for the Milton Keynes urban area (as set out in Core Strategy Policy CS1). The development plan identifies that the site lies outside the development boundary of the settlement of Lavendon and within the open countryside – it is not an existing allocation, and was not included in the final Site Allocations Plan for Plan MK.

8.6 The appeal site is not therefore allocated to achieve the requirements for development in rural areas set out under Policy CS2 of the Core

Strategy, and the appeal development does not accord with the spatial strategy for rural areas under Policy CS9. The specific strategy for rural areas (and individual settlements) under Policy CS9 requires regard to be had to the development requirements set out in the plan and considering population levels, constraints, transport links and the capacity of services.

- 8.7 The Council submits that it can demonstrate a Five Year Supply of deliverable land for housing. The Council contends that there is no justification for departing from the strong policy protections against development in the open countryside in the adopted development plan. Therefore, the principle of development is unacceptable unless there is a special justification or where the proposals would represent a form of development considered as an appropriate land use in a countryside location.
- 8.8 The appeal site lies within an 'Area of Attractive Landscape', 'Open Countryside', and abuts the 'Lavendon Conservation Area' (east of Olney Road). The development would have negative impacts on the visual amenity of the open countryside, as well as some loss of existing habitats of local importance. Creation of new public open spaces will only provide minor beneficial effects in comparison.
- 8.9 Policies S10 and S11 of the adopted Local Plan provide important policy designations to control land use within areas identified as the 'open countryside' and 'Areas of Attractive Landscape'. In relation to the former, the terminology of the policy is not to be applied descriptively only to land that is 'open' in character. The appeal proposals do not comprise a rural exception site nor do they fall under any of the other categories deemed to represent acceptable development in the countryside.
- 8.10 The appeal proposals would represent the incursion of significant development into an undeveloped and open site. Substantial local changes in appearance and the replacement of the character associated with rural, greenfield uses with those of an urban or suburban nature, would be an inevitable consequence of the proposed development of an existing open and green landscape. The development strategy seeks to preclude such changes in a manner fundamentally compatible with national policy objectives for recognising the intrinsic character and beauty of the countryside. This is further especially true of 'Areas of Attractive Landscape'.
- 8.11 The appeal proposals are one example amongst many potential candidates where development is unwarranted in terms of meeting the overall requirements for development or as part of fulfilling a spatial strategy which promotes sustainable patterns of development. Specifically, in relation to Lavendon and the surrounding area, the

Council will demonstrate the impacts of levels of development provided in recent years.

- 8.12 The appeal proposals would represent a substantial further influx of dwellings and this scale of additional growth has the potential materially to harm the equilibrium and identity of the landscape and local community.
- 8.13 A significant incursion of development into the site area would result in the large-scale suburbanisation of this part of the countryside due to the encroachment of built-form into the rural landscape.
- 8.14 The Council's evidence will highlight characteristics of the site that are valued locally and how the benefits of the appeal proposal do not significantly and demonstrably outweigh the harm caused. Although the appeal proposals are submitted in Outline this will include demonstration of the harm associated with accommodating a large volume of 'suburban' development within the site and the limited benefits associated with open space or highways improvements within the proposed arrangements.
- 8.15 The Council will assert that there is no policy support or imperative to provide for development requirements in this location. Approving development of the type and location sought by the appeal proposals would represent a significant departure from the Council's adopted and successful development strategy. This strategy is being achieved successfully and is providing for development requirements at appropriate locations across Milton Keynes with a focus on the main urban area.
- 8.16 For the reasons outlined the Council strongly asserts that the 'tilted balance' under the second 'decision-taking' limb of paragraph 14 of the NPPF - operating where the development plan is absent, silent or out-of-date - is not engaged in the circumstances of this appeal.
- 8.17 Notwithstanding the ability to provide a Five Year Land Supply against an up-to-date plan, the Council will demonstrate that sufficient weight can be afforded to relevant development plan policies to warrant dismissing the appeal proposals. Relevant Case Law will be relied upon, as appropriate, to provide for the correct interpretation of policies relevant to the supply of housing and highlight that the weight to be given to development plan policies remains dependent on the circumstances.
- 8.18 It will be demonstrated that such is the nature and extent of the appeal proposals, in a location where this scale of growth is not required to achieve the spatial strategy, the adverse effects of

allowing this development would significantly and demonstrably outweigh the benefits. The appeal should therefore be dismissed.

*Refusal Reason 2*

8.19 The issues relevant to refusal reason 2, includes the impact of the development on existing local social and sustainable infrastructure, education and leisure facilities.

8.20 It is noted that the appellant does not agree that all contributions sought by the Council are compliant with the CIL Regulations 2010.

8.21 The Council will seek to agree with the appellant all planning obligations necessary to mitigate against (all other) impacts of the development for inclusion in a S106 agreement. The Council will provide evidence, where necessary, in relation to planning obligations and the Inspector will apply his or her discretion as to whether such obligations comply with the CIL Regulations.

8.22 The Council would therefore agree that this reason for refusal is capable of being resolved through the appeal process.

## **9. Observations on the Grounds of Appeal**

- 9.1 Proofs of Evidence to be submitted as part of the Council's case will provide a full commentary and rebuttal of relevant parts to the appellants' Grounds of Appeal and Statement of Case.
- 9.2 In principle, the Council asserts that the appellants have failed to correctly acknowledge the statutory role of the development plan as the starting point for determining the proposals and subsequently misrepresent the approach set out in national policy under Paragraph 14 of the NPPF. The appellant seeks to apply Paragraph 49 of the NPPF to parts of the development plan which do not sensibly fall under the definition of policies for the supply of housing. The appellant furthermore fails to acknowledge the weight that would remain afforded to relevant parts of the development plan as part of the proper assessment of the appeal proposals in accordance with Paragraph 14 of the NPPF.
- 9.3 The appellants recognise that the location of the appeal proposals lies outside defined settlement boundaries in the development plan. The Council will present evidence that fully demonstrates that the appellants incorrectly assert that the appeal proposals would accord with all other development plan policies or the aims and objectives of the NPPF.

## 10. Other Evidence and Material Considerations Relevant to the Appeal

10.1 The Council will provide other evidence that reinforces the view of the appeal site as a location where development should be resisted in accordance with the adopted spatial strategy.

10.2 The following documents which form part of the evidence base for the Council's adopted or emerging Local Plan are identified as being particularly relevant to the appeal proposals:

- **Milton Keynes Urban Capacity Study** (published February 2017) *The most up-to-date study providing detail on the capacity of the urban areas of Milton Keynes Borough to accommodate development.*
- **Milton Keynes Residential Characterisation Study: An Evidence Base for Plan:MK** (published March 2017) *A consideration of the differing characteristics within Milton Keynes Borough, which will be referred to in terms of the impacts of the proposed development.*
- **Landscape Sensitivity Study to Residential Development in the Borough of Milton Keynes and Adjoining Areas** (published October 2016) (Gillespies for Milton Keynes Council) *Most recent study regarding landscape sensitivity to change and development. Relevant to the appeal proposals potential landscape impact.*
- **Milton Keynes Strategic Housing Land Availability Assessment 2012** (published December 2012) *Latest version of the Council's SHLAA setting out an assessment of potential sites for housing delivery.*
- **Plan:MK Topic Paper – Issues Consultation Rural Issues** (Published September 2014) *Consideration of rural issues and associated policy requirements for Plan:MK.*

## **11. Conditions and Planning Obligations**

### *Planning Contributions*

- 11.1 On a without prejudice basis, the Council submits that in the event that the Appeal is allowed and planning permission granted for the proposed development the requirement to secure planning contributions is as set out in the Case Officer's Delegated Report for the proposals.
- 11.2 In order to assist the appeal process, the Council and Appellant agree that financial contributions totalling £1,605,117.04 and policy-compliant provision of 30% affordable housing within the development set out in the Case Officer's Delegated Report provide the Heads of Terms for a S106 Planning Obligation to be drafted in advance of the Inquiry.
- 11.3 As required, the Council will present justification for the sums included within the obligation to demonstrate their compliance with the requirements for planning obligations under NPPF Paragraph 204 and compliance with Community Infrastructure Regulations 122 and 123. Adopted Supplementary Planning Documents and Guidance will provide the necessary references for calculating impacts on local infrastructure that would arise from the proposed development, which must be addressed in accordance with the policies of the development plan.

### *Planning Conditions*

- 11.4 A list of conditions, should the Inspector be minded to allow the appeal, shall be submitted as part of the Statement of Common Ground. Should any disagreement with the Appellant remain over conditions at that stage, this will be made clear in the Statement of Common Ground.
- 11.5 As necessary the Council will submit evidence during the Inquiry to demonstrate that all conditions put forward satisfy the *six tests* set out in the PPG.



## 12. Other Documentation

12.1 The Council may rely on the following legal judgments and reserves the right to refer to further cases identified as part of preparing Proofs of Evidence and at the inquiry itself:

- *St Modwen Developments v SSCLG & East Riding of Yorkshire Council* [2016] EWHC 968 (Admin)
- *Suffolk Coastal DC v Hopkins Homes & SSCLG and Richborough Estates v Cheshire East BC & SSCLG* [2016] EWCA Civ 168
- *Crane v Secretary of State for Communities and Local Government* [2015] EWHC 425 (Admin)
- *Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant)* [2017] UKSC 37
- *Barker Mill Estates v SSCLG & Test Valley BC* [2016] EWHC 3028 (Admin)
- *East Staffordshire DC v SSCLG* [2017] EWCA Civ 893

12.2 The Council may refer to the following Appeal Decisions although it reserves the right to identify further cases through the presentation of Proofs of Evidence:

- **Land to the North of Dark Lane, Alrewas, Burton Upon Trent, Staffordshire** (PINS Ref: 2225799) (Decided 13 February 2017)
- **Brook Farm, 94 High Street, Wrestlingworth, Bedfordshire SG19 2EJ** (PINS Ref: 3150607) (Decided 31 August 2016)
- **Land south of Nanpantan Road, Loughborough, Leicestershire** (PINS Refs: 3028159 and 3028161) (Decided 16 January 2017)
- **Land north of Lenham Road, Headcorn, Kent TN27 9TU** (PINS Ref: 3151144) (Decided 9 December 2016)
- **Land to the east of Seagrave Road, Sileby, Leicestershire** (PINS Ref: 3152082) (Decided 27 March 2017)
- **Land at Wain Close, Newport Road, Woburn Sands, Milton Keynes** (PINS Ref: 2224004) (Decided 1 October 2015)

Statement of Case  
On Behalf of Milton Keynes Council

- **Land adjacent to Main Road & Land East of Lower Moors Road, Colden Common** (Winchester) (PINS Ref: 3141664 & 3141667)  
(Decided 12 April 2017)

## APPENDIX A (The Council's Decision Notice for Proposals under 17/00165/OUT (Dated 14th July 2017))

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT  
MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015



### PLANNING PERMISSION REFUSED

Application no: 17/00165/OUT

To: Gladman Developments Ltd  
Gladman House  
Alexandria Way  
Congleton Business Park  
Congleton  
CW12 1LB  
Cheshire

Milton Keynes Council, under their powers provided by the above legislation, **Refuse Permission** for

**Outline planning application for the erection of up to 95 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Olney Road with all matters reserved except for means of access.**

**At: Stables And Pony Paddocks Olney Road Lavendon**

in accordance with your application, valid on 23rd January 2017 and the following drawings:

CSA/3040/102K electronically registered on 3rd May 2017  
CSA/3040/110B electronically registered on 23rd January 2017

**The reason(s) for refusing your application are:**

(1) Saved Policy S10 of the Milton Keynes Local Plan 2001-2011 (Adopted 2005) states that planning permission will only be granted for development in the open countryside where it is essential for agriculture, forestry, countryside recreation and other development which is wholly appropriate to a rural area and cannot be located within a settlement. In addition, Policies CS1 and CS9 of the Milton Keynes Core Strategy (Adopted 2013) seek to focus development in the rural area within the development boundaries of the main and most sustainable towns or key settlements. The application site lies outside the settlement boundary of Lavendon, and falls within land designated as 'Open Countryside' and an Area of Attractive Landscape. Furthermore, given the location of the development it is considered that the proposal would represent an intrusive form of development in the open countryside, having an urbanising effect and detracting from the open, rural character of the locality and wider surrounding countryside, contrary to the environmental aims and objectives of the NPPF. It is not considered that the benefits arising from the development would outweigh the harm that would be caused. The proposal is therefore contrary to Saved Policies S10 and S11 of the Milton Keynes Local Plan 2001-2011 (Adopted 2005), Policies CS1 and CS9 of the Milton Keynes Core Strategy (Adopted 2013) and the core planning principles in Paragraph 17 of the National

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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT  
MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015



Planning Policy Framework (2012) which recognise the intrinsic character and beauty of the countryside.

(2) In the absence of necessary planning obligations being secured by a s106 agreement, the applicant has failed to demonstrate that the proposed development would not lead to a burden on or have an adverse impact on existing local social and sustainable infrastructure, education and leisure facilities. The proposal is therefore contrary to the guidance within Supplementary Planning Documents (SPDs) for Affordable Housing SPD (2013), Education Facilities SPG (2004), Leisure Recreation and Sports Facilities SPG (2005), Social Infrastructure SPD (2005), and Sustainable Construction SPD (2007) which support the Milton Keynes Core Strategy Policy CS21, Policy P04 of the Milton Keynes Local Plan 2005, and the aims of the National Planning Policy Framework (NPPF).

#### **Working with the applicant**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework Milton Keynes Council takes a positive and proactive approach to development proposals focused on solutions. Milton Keynes Council works with applicants/agents in a positive and proactive manner by: offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application; where possible suggesting solutions to secure a successful outcome; informing applicants/agents of any likely recommendation of refusal prior to a decision; and by adhering to the requirements of the Milton Keynes Council Corporate Plan and the Planning and Transport Service Plan.

In this instance, whilst the application has been refused, the case officer has worked with the agent to overcome other issues to an agreed extension of time.

**Your attention is drawn to the attached notes.**

Date: 14th July 2017

A handwritten signature in blue ink, appearing to read 'H. Lowe'.

Helen Lowe  
Development Management Manager East  
For and on behalf of the Council

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## NOTES

### Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990 (as amended).

If you want to appeal, then you must do so within six months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

You can appeal using a form that you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Customer Support Unit, Tel: 0117 372 6372. Appeal forms and guidance can also be downloaded from the Planning Inspectorate's website [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk).

Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local planning authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### Purchase Notices

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council, or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.

### Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State appeal or reference of the application to him.

These circumstances are set out in section 114 and related provisions of the Town and Country Planning Act 1990 (as amended).

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